

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH WAYNE CREEMEDICINE,

Defendant.

CR-12-53-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 16, 2019. (Doc. 89). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a hearing on a violation of a condition of supervised release on January 15, 2019. The United States alleged that Defendant Joseph Creemedicine violated the conditions of his supervised release by consuming alcohol. (Doc. 82 at 3). Creemedicine admitted to the violation. (Doc. 89). The violation proves serious.

Judge Johnston has recommended Creemedicine's supervised release be revoked. (Doc. 89 at 4). Judge Johnston recommends Creemedicine serve a custody term of five (5) months, with no supervised release to follow. *Id.* Judge Johnston recommended further that Creemedicine receive credit for time served from September 23, 2018. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Creemedicine's violation represents a serious breach of the Court's trust. This revocation of Creemedicine's supervised release and custody term proves sufficient, but is not greater than necessary.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 89) are **ADOPTED IN FULL**.

IT IS ORDERED that Creemedicine's supervised release be revoked.

IT IS ORDERED that Creemedicine serve a term of custody of five (5) months with no supervised release to follow.

IT IS ORDERED that Creemedicine receive credit for time served from September 23, 2018.

DATED this 11th day of February, 2019.



Brian Morris
United States District Court Judge